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ROSE M. BYNGHAM, Circuit Clerk
By LILLLY TOUCD.C.



FILE NO.CV-2020-114-C
CIVIL
IN
CIRCUIT COURT WAYNE COUNTY, MISSISSIPPI
Shetten Hinton
MANU COUNTY MS intiff SOUTH TOWN AS Defendant
Filed this day of August 2020 Docket No. Page No.
Daniel M-Noual Johnson, Rafliff + Would Attorney_ Plaintiff_
Attorney Defendant

LAWRENCE-07402

HINTON, SHELTON Vs.

Counsel for Plaintiff
DANIEL M. WAIDE
Counsel for Defendant

WAYNE COUNTY, MS; SHERIFF JODY ASHLEY

CIVIL RIGHTS

JUDGE Charles W. Wright, Jr.

DATE ORDERS, JUDGMENTS, ETC. BK/PG

8/10/2020 COVER SHEET

8/10/2020 COMPLAINT

8/10/2020 SUMMONS ISSUED TO JODY ASHLEY RETURNED TO ATTORNEY FOR PROCESS

8/10/2020 SUMMONS ISSUED TO WAYNE COUNTY, MS RETURNED TO ATTORNEY FOR PROCESS

IN THE CIRCUIT COURT OF WAYNE COUNTY, MISSISSIPPI

SHELTON HINTON

PLAINTIFF

VERSUS

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CAUSE NO: <u>CV-2020-</u>114-C

WAYNE COUNTY, MISSISSIPPI and SHERIFF JODY ASHLEY in his individual and Official capacity

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Shelton Hinton, hereinafter "Hinton," by and through undersigned counsel, and makes this, his Complaint against named Defendants, and would show unto the Court the following, to wit:

PARTIES

- 1. Plaintiff is a resident citizen of Wayne County, Mississippi who may be contacted through undersigned counsel.
- Defendant Wayne County is a governmental entity organized and authorized by the laws of the State of Mississippi who may be served with process through its Chancery Clerk at 609 Azalea Drive, Waynesboro, Mississippi, 39367.
- 3. Defendant, Jody Ashley is sheriff of Wayne County, Mississippi who may be served with process at 613 Court Street, Waynesboro, Mississippi, 39367.

JURISDICTION AND VENUE

4. Venue is proper pursuant to Miss. Code Ann. § 11-11-3 because substantial acts and omissions which caused the injury occurred in Wayne County, Mississippi, and because the action against governmental entities must be commenced in the county where the

- entities are located. The misconduct complained of herein arose in Wayne County, Mississippi. Jurisdiction of the parties and of the subject matter of this action are proper in this Court.
- 5. This action is authorized by 42 U.S.C. § 1983 and made pursuant to the 4th and 14th
 Amendments to the United States Constitution.

FACTUAL ALLEGATIONS

- 6. On or about September 20, 2018 Sheriff Ashely signed an affidavit claiming that Shelton Hinton was mentally ill and in need of treatment. These allegations are false and Sheriff Ashley did not personally know Hinton. Exhibit A, Ashley Affidavit.
- 7. Sheriff Ashely swore under oath that he was Hinton's nearest relative to convince a court to have Hinton committed for a mental illness. These allegations are false.
- 8. As a result of Sheriff Ashley's false affidavit, Hinton was arrested and confined at the Wayne County Jail.
- 9. At a hearing on the matter Sheriff Ashely admitted that he had no first-hand knowledge regarding any of the facts alleged in his affidavit which led to the arrest and confinement of Hinton.
- 10. As sheriff, Jody Ashley knows that an affidavit must be based upon personal knowledge.
- 11. Sheriff Ashley's actions caused the unlawful arrest and confinement of Hinton. The sheriff's actions further resulted in the negligent and intentional infliction of emotional distress on Hinton.

ALLEGATIONS OF LAW

12. Plaintiff incorporates by reference each of the preceding paragraphs as if they had been fully restated herein.

- 13. All acts of the Defendants were under the color and pretenses of the ordinances, policies, practices, customs, regulations, usages and/or statutes of the United States Government, the State of Mississippi and Wayne County.
- 14. It is the custom and policy of all Defendants to violate the constitutional rights of individuals in Wayne County, as complained of herein.
- 15. It is the policy and practice of the Defendants to violate the civil rights of, in and around the area of Waynesboro, Mississippi where the unlawful search and seizure occurred.
- 16. Defendants' actions were in bad faith and were intended and designed to punish Plaintiff.
- 17. At all times relevant to this action, Plaintiff's rights were clearly established. At all times relevant to this action, Defendants violated Plaintiff's constitutional rights.
- 18. Defendant Ashley is a final policy maker for Wayne County, Mississippi.
- 19. Defendants' actions evidence malice and/or constitute willful misconduct.
- 20. As a result of Defendants' actions, Plaintiff has suffered humiliation, embarrassment, loss of reputation and had their liberty and privacy interests severely impacted.

FIRST CAUSE OF ACTION – 42 U.S.C. § 1983 Fourteenth Amendment – Unlawful Seizure; Deprivation of Due Process/Equal Protection

- 21. Plaintiff incorporates by reference each of the preceding paragraphs as if they had been fully restated herein.
- 22. The unlawful actions of the Defendants, as alleged herein, constituted an intrusion into Plaintiffs' right to be free from an unlawful seizure of his person and property.
- 23. Defendants had an affirmative duty to prevent such intrusions.
- 24. Defendants, acting without authority, knowingly conducted an illegal seizure.
- 25. Plaintiff has an established constitutional right to be free from an unlawful seizure.

26. As a direct and proximate cause of Defendants' actions, Plaintiff's rights, as guaranteed by the Fourteenth Amendment, were injured.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

SECOND CAUSE OF ACTION - 42 U.S.C. § 1983 DUE PROCESS - 14th AMENDMENT

- 27. Plaintiff incorporates by reference each of preceding paragraphs as if they had been fully restated herein.
- 28. Sheriff Ashley made a knowingly false affidavit for the sole purpose of having Hinton arrested and detained.
- 29. Sheriff Ashely's actions violated Hinton's rights under the 14th Amendment.
- 30. Sheriff Ashley caused Hinton to be falsely imprisoned.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- 1. Assume jurisdiction over this action;
- 2. Declare that Defendants' actions, as herein described, violated Plaintiff's constitutional rights under the Fourteenth Amendments to the United States Constitution
- 3. Appropriate equitable relief including but not limited to prospective injunctive relief, declaratory and other injunctive remedies;
- 4. Award Plaintiff nominal and actual damages for Defendants violation of their constitutional and statutory rights;
- 5. Award Plaintiff compensatory damages, including, but not limited to, those for past and future pecuniary and non-pecuniary losses, emotional distress, suffering, loss of reputation,

humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;

- 6. Punitive damages for all claims allowed by law in an amount to be determined at trial;
- 7. Pre-judgment and post-judgment interest at the highest lawful rate;
- 8. Award Plaintiff his costs of litigation, including reasonable attorney's fees and expenses, pursuant to 42 U.S.C. sec. 1988 and/or 20 U.S.C. sec. 1400 et seq.; and
- 9. Grant such other relief to which Plaintiff may be entitled or as this Court deems necessary and proper.

RESPECTFULLY SUBMITTED this the 2 day of August, 2020.

day of \underline{l} \underline{l}

SHELTON HINTON PLAINTIFF

DANIEL M. WAIDE MSB #103543

Daniel M. Waide, (MSB#103543)
Johnson, Ratliff & Waide, PLLC
1300 HARDY ST.
PO BOX 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrlaw.net

IN THE CHANCERY COURT OF LICENTY.	
CAPA MOSSESSEPPT	
My 4/ MIDICIAL DISTRICT	
IN RE: BRISTON HUNDE CAUSE NO.	
UNDORM COMMITMENT ARTHAVIT FORGUANT TO MCA SECTION 41-	
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IN THE	<u>CIRCUIT</u> C	OURT OF WAYNE	COUNTY, MISSISSIPPI	
_		_JUDICIAL DISTRICT	, CITY OF	
Docket No			Docket No. If Filed	
File Yr	Chronological No.	Clerk's Local ID	Prior to 1/1/94	
			Page 1 of Defendants Pages . CASE FILING FORM COVER SHEET	
Defendant #2:				
Individual: Ashley	Jod	Y Circt Name	Maiden Name, if Applicable) Middle Init. Jr/Sr/III/I	₩.
) or Administrator(trix) of an Estate, and enter style:	•
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			er/Operator (D/B/A) or State Agency, and enter that name i	belov
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Enter! Check (/) if Business	legal name of business, corporations.	tion, partnership, agency - If Co Lin the name of an entit	rporation, indicate state where incorporated other than the name above, and enter below:	
—	Defendant is being succ	•	•	
			Pro Hac Vice (/) Not an Attorney(/)	
Defendant #3:				
Individual:			(
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Check (/) if Business	Defendant is being sued	in the name of an entity	other than the name above, and enter below:	
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ATTORNEY FOR THIS DEFEN	DANT:Bar# or N	lame:	Pro Hac Vice (✓) Not an Attorney(✓)	
Defendant #4:	•			
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IN THE CIRCUIT COURT OF WAYNE COUNTY, MISSISSIPPI

SHELTON HINTON

PLAINTIFF

. V.

CIVIL ACTION NO.: <u>CV-2020-114</u>-C

WAYNE COUNTY, MISSISSIPPI and SHERIFF JODY ASHLEY in his individual

and official capacity

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI COUNTY OF WAYNE

TO:

Jody Ashley

613 Court Street

Waynesboro, MS 39367

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to <u>Daniel M. Waide</u>, P.O. Box 17738, Hattiesburg, MS 30404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this Way of August, 2020.

Rose M. Bingham, WAYNE COUNTY CIRCUIT CLERK

Daniel M. Waide, (MSB#103543) 1300 HARDY ST. PO BOX 17738 HATTIESBURG, MS 39404 601-582-4553 (OFFICE) 601-582-4556 (FAX) dwaide@jhrlaw.net



IN THE CIRCUIT COURT OF WAYNE COUNTY, MISSISSIPPI

SHELTON HINTON

PLAINTIFF

V.

CIVIL ACTION NO.: <u>W-2020-114-</u>C

WAYNE COUNTY, MISSISSIPPI and SHERIFF JODY ASHLEY in his individual and official capacity

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI COUNTY OF WAYNE

TO:

Wayne County, Mississippi

609 Azalea Drive

Waynesboro, MS 39367

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

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Issued under my hand and seal of said Court, this OH day of August, 2020.

Rose M. Bingham,
WAYNE COUNTY CIRCUIT CLERK

Daniel M. Waide, (MSB#103543) 1300 HARDY ST. PO BOX 17738 HATTIESBURG, MS 39404 601-582-4553 (OFFICE) 601-582-4556 (FAX) dwaide@jhrlaw.net

JOHNSON, RATLIFF & WAIDE, PLLC

Attorneys at Law Second Floor Great Southern National Bank Building 1300 Hardy Street Hattiesburg, MS 39401

> Telephone: (601) 582-4553 Telefax: (601) 582-4556 E-Mail: dwaide@ihrlaw.net brichards@ihrlaw.net

S. Joel Johnson Michael V. Ratliff Daniel M. Waide

P. O. Box 17738 Hattiesburg, MS 39404-7738

August 7, 2020

Rose M. Bingham Wayne County Circuit Clerk 609 Azalea Drive Waynesboro, MS 39367

RE: Shelton Hinton v. Wayne County, et al

Dear Ms. Bingham,

Please find enclosed for filing herein, the following documents:

- Civil Cover Sheet;
- Complaint for Shelton Hinton v. Wayne County, et al and One Copy;
- Wayne County Summons;
- Jody Ashley Summons; and
- Check No. 1441 in the amount of \$160.00 for the filing fee

Please file the original in your customary manner and return the file stamped copy to me, along with the issued summons, in the self-addressed, stamped envelope enclosed herein.

With kindest regards, I am

Paralegal to Daniel M. Waide, Esq.

encl.